

DEVELOPERS SURETY AND)
INDEMNITY COMPANY, an Iowa)
Corporation,) No. C10-0616 BZ
)
Plaintiff(s),) ORDER SCHEDULING HEARING ON
) PLAINTIFF'S MOTION FOR
v.) DEFAULT JUDGMENT
)
A-1 SEPTIC CONSTRUCTION,)
INC., a California)
Corporation; ROBERT PIDDOCK,)
an individual; CAROLE)
PIDDOCK, an individual,)
)
Defendant(s).)
)
_____)

TO ALL PARTIES AND COUNSEL OF RECORD:

IT IS HEREBY ORDERED that pursuant to the Court's discretion under Rule 55(b)(2) of the Federal Civil Rules of Civil Procedure, a hearing on plaintiff's motion for default judgment is set for **Wednesday, June 16, 2010, at 10:00 a.m.** in Courtroom G, 15th Floor, Federal Building, San Francisco, California, 94102.

Compliance with 50 App. U.S.C. § 501 et seq. of the
Servicemembers' Civil Relief Act may not be satisfied on

1 information and belief. See 50 App. U.S.C. § 521(b)(1);
2 United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn.
3 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50
4 App. U.S.C. § 521(b)(1)). The public website
5 <https://www.dmdc.osd.mil/scra/owa/home> will provide the
6 current active military status of an individual and has
7 instructions on obtaining certificates of service or non-
8 service under the Servicemembers' Civil Relief Act. Plaintiff
9 also bears the burden of providing admissible evidence that
10 individual defendants are not infants or incompetent persons.

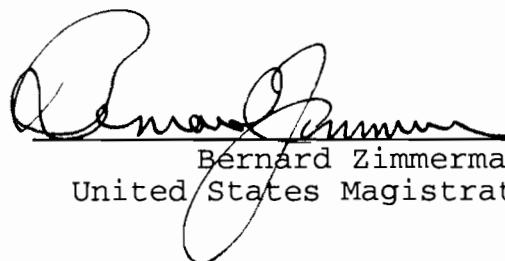
11 See Rule 55(b)(2).

12 Plaintiff should be prepared to prove its damages by
13 competent testimony or other admissible evidence. If
14 plaintiff intends to prove damages by affidavits or
15 declarations, the affiant or declarant should have personal
16 knowledge of all matters to which she testifies. For all
17 evidence, proper foundations must be established. For an
18 explanation of the evidentiary requirements for proving
19 damages in a default case, the parties are encouraged to
20 consult Chapter Six of Civil Procedure Before Trial by William
21 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

22 Defendants should attend the hearing if they contest the
23 validity or amount of plaintiff's claim. Seven days before
24 the hearing, on **Wednesday, June 9, 2010**, plaintiff shall file
25 a declaration setting forth in detail all steps taken to serve
defendants with notice of this hearing. If plaintiff is in
contact with defendants, it would expedite the handling of
this matter if it could obtain defendants' consent to

1 magistrate judge jurisdiction prior to the date of the
2 hearing.

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4 Dated: 7 May 2010

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6 _____
7 Bernard Zimmerman
United States Magistrate Judge

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